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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

SUMMARY RECORD OF THE 700th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 22 May 2001 at 3 p.m.

Chairperson: Mr DOEK

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Denmark (continued) (CRC/C/70/Add.6; HRI/CORE/1/Add.58; CRC/C/Q/DEN/2, written replies of the Government of Denmark to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Denmark took places at the Committee table.

2. Mr. MIKKELSEN (Denmark) said that in October 2000, the Government had tackled the problem of maladjusted youth by setting up a committee of experts responsible for examining issues relating to the implementation of the Minors' Act. In February 2001, the committee had recommended new penalties for juvenile delinquents which would consist of placing them in institutions for social rehabilitation rather than incarcerating them.

3. Replying to Ms. Karp's question, he said that the bill submitted by the Youth Parliament had been transmitted to the relevant ministries, then adopted after a few amendments had been made by the ministries during an official Cabinet meeting. The young parliamentarians had also been informed of the action taken on their bill.

4. Ms. TOFTEGAARD NIELSEN (Denmark), replying to Ms. Sardenberg, said that non-governmental organizations (NGOs) had been consulted during the preparation of Denmark's second periodic report. In fact, they had been invited to indicate the issues they wished to see included in the report. However, NGO contributions had not been incorporated into the report, which the Government had wished to be Denmark's official report. It was preferable for NGOs simultaneously to submit reports of their own in order to stimulate discussion within the Committee on the Rights of the Child.

5. With regard to Ms. Karp's question relating to the number of complaints lodged by children with the ombudsman, she said the ombudsman could not receive complaints from a child unless an administrative decision had been taken against the child's interest. Consequently, an administrative decision must already exist concerning the child in order for him or her to be able to lodge a complaint with the ombudsman. Further research would be carried out to determine the precise number of such complaints and the results would be included in Denmark's third periodic.

6. Ms. Marianne LEHMANN (Denmark) said that, in 2000, the Danish parliament had enacted a law to promote the active participation of students in decision-making at all levels of the education system. They were therefore able to establish councils and nominate representatives to all committees dealing with issues that concerned them. The aim was to ensure that the schools took children's views and interests into account. At the primary and early secondary levels, students elected two representatives to the school board whose influence was considerable, it decided on the optional subjects to be offered and approved the budget and teaching material to be used. Replying to Ms. Chutikul's question, she said the Danish school system had been decentralised; the choice of curricula and teaching material was the responsibility of the school, more specifically the teachers themselves. If , however any material

was found to be discriminatory, the school board, acting on complaints by parents, students or teachers, could take on the issue and withdraw the materials if necessary. As a last resort, the issue could be brought before the courts. The Ministry of Education had provided financial support for the publication of a bibliography of educational material relating to children's rights in order to help integrate that subject into the school curricula. The material took the cultures of immigrants and refugees in Denmark into account. The Internet was used as much as any other traditional educational tool. Responsibility, therefore, lay with local decision-makers, namely school boards, to ensure that students were not exposed to inappropriate material. Parliament had debated the issue of equipping computers accessible to the public and especially to students in State schools with computer software that would block access to certain sites but the proposal had been rejected on the grounds that it would run counter to legislation on the competence of the school board. It had also been felt that the proposal infringed the law on primary and early secondary education, whose aim was to prepare students for active participation in social life and for assuming their responsibilities and obligations and exercising their rights in a society based on freedom, equality and democracy. Therefore, students themselves had to be responsible for selecting and assessing the information to which they were exposed. Local authorities were advised to adopt policies defining ethical use of the Internet and to tackle the problems associated with new information technology.

7. The legislation on primary and early secondary education was designed to promote students' personal development. In that connection, a law had been adopted on the suitable school environment to be provided for students, which required schools to submit a written evaluation of the school environment and to adopt a plan of action for maintaining and, if necessary, improving it. School principals and teachers were also urged to focus efforts on preventing acts of intimidation and to take effective measures against such behaviour. According to a recent study, 30 per cent of all schools had established plans of action to prevent bullying in schools, an issue which had been put on the agenda of 80 per cent of the school boards. By promoting that type of approach rather than penalising the principals of schools where cases were reported, the Government intended to change attitudes and involve all concerned in resolving the problem.

8. Mr. THØGERSEN (Denmark) said that births were systematically registered in Denmark, Greenland and the Faeroe Islands.

9. Concerning respect for the views of the child, the Ministry of Justice had tabled a bill intended to amend the act of 1 January 1998 on parental authority and visitation rights. According to the bill's provisions, children under 12 who were the subjects of decisions concerning parental authority, visitation or custody rights should be heard by the competent authorities. That measure was already being applied, but the State party was submitting the new bill in order to bring its domestic legislation into conformity with the Convention on the Rights of the Child.

10. Abortion was allowed up to the twelfth week of pregnancy. In theory, minors had to obtain permission from their legal guardian in order to undergo an abortion; in practice, exceptions could be made for a minor to have an abortion without the consent of her legal guardian in cases where learning of her condition might cause the guardian to harm the child physically or psychologically.

11. Ms. SVENDSEN (Denmark), replying to Ms. Karp's question, said that Denmark attached great importance to children's participation in both day-care facilities and schools. The Ministry of Social Affairs was currently studying how to include children's interests in the different projects that had been established. To that end, a Web-based project consisting of a game had been launched so as to engage children in discussion and gather their views. The project was to be evaluated shortly and the children's opinions would be taken into consideration for future initiatives. Danish legislation was frequently revised in accordance with information gleaned from evaluation and research programmes conducted by the Government.

12. Replying to Ms. Sardenberg's question, she said that, while NGOs played a leading role in delivery of social services, especially those provided for children, general responsibility lay with municipalities and local authorities, which was why they monitored such activities closely.

13. As to whether the Convention fell within the remit of the Inter-Ministerial Committee on Children, the body responsible for evaluating Government policy, she said that, although monitoring the implementation of the Convention was not one of the Committee's specific tasks, the scope of the principles it contained were such that they were considered to have become principles of a general nature, hence there was no longer any need for a specific reference to the Convention.

14. Progress had been made in the area of juvenile delinquency in recent years; juvenile offenders and their families could meet with a counsellor at the municipal level. In addition, the law on social service provided for vocational training for young people in difficult situations and for scholarships as incentives for entering the labour market.

15. While it had been suggested that the scope of competence of the National Council for Children was broad, the Council performed its many tasks brilliantly and provided the competent authorities with much valuable information relating to children's rights. Replying to Mr. Al-Sheddi's question about corporal punishment, she informed the Committee that a booklet entitled "I have children; I will never hit them" had been published and translated into Turkish, English, Bosnian, Croatian, Serb and Arabic.

16. On the role of the family, she said a number of amendments had been adopted with a view to intensifying efforts to assist children from "problem" families, under which, for example, psychological counselling was made available to parents whose children were placed in institutions.

17. Ms. MOLLER (Denmark) said that the relevant ministries were studying the issue of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and would transmit their conclusions to the Ministry of Labour, which would use them for preparing a recommendation to the Government.

18. As far as the economy of Greenland was concerned, of the total population of 50,000 only 20,000 were of working age. Fishing was the main activity but it was not sufficiently profitable to finance all social services, which was why the central Government subsidized Greenland's economy in the amount of about 60,000 Danish kroner annually per inhabitant. A system of redistribution of tax revenue from the richest communities to the poorest had been

established, as well as a system of State co-financing of certain social services, especially those aspects that might have some bearing on the protection of children.

19. Ms. CLAUSEN (Denmark) said that the Government was perfectly aware that Danish society was ageing and that one of the solutions to the problem lay in integrating immigrants and their families into Danish society as well as possible. That having been said, it was true that many immigrants were currently unemployed. The Government had therefore taken measures to improve the integration of minorities, and in that connection an interministerial commission had in 1999 been entrusted with framing a plan of action based specifically on education, employment and housing, which had been made public in 2000.

20. The Government attached great importance to the situation of unaccompanied minor asylum seekers and a new procedure, to be introduced in autumn 2001, had been designed for them. All unaccompanied minors of under 15 who applied for asylum would now be granted a residence permit as soon as they arrived on Danish soil and their application would be considered to be withdrawn unless they specifically requested it to be examined. Minors over 15 in the same situation would have to follow the normal procedure, which would be accelerated. In addition, if any doubts arose as to the mental faculties or maturity of children over 15 who were subject to the normal procedure, or if they had suffered serious trauma, they would immediately be issued a residence permit. One of the new features of the procedure was that all unaccompanied minor asylum seekers would be assigned a legal representative who would assist them through the different stages from the moment they arrived in Danish territory. Bearing in mind that the family unit was the best environment for a child, the Government had decided that the immigration services should try to locate the family of every unaccompanied minor who applied for asylum in Denmark; that did not necessarily mean children would be sent back home if such a measure did not serve their best interests but it was important for children to know the whereabouts of their parents.

21. Mr. SKIBSTED (Denmark) said that, under the Constitution, the central Government was responsible for the implementation of international treaties throughout the territory, hence it was true, as several Committee members had pointed out, that the large measure of autonomy enjoyed by Greenland and the Faeroe Islands did not relieve the Government of its responsibility under international law. That having been said, the actual implementation of a number of international instruments, in particular the Convention on the Rights of the Child, fell to the local authorities, which in many fields were the authorities competent to define legal or administrative implementation measures. He acknowledged that that was a question of internal organization in Denmark, which could not be used to excuse poor implementation of the Convention's provisions, but that situation had to be taken into account. In that regard, everything possible would be done to include experts from Greenland and the Faeroe Islands in the delegation when Denmark's next periodic report was considered.

22. Regarding publicizing the Committee's consideration of the report, the Ministry of Foreign Affairs would issue a press release once the Committee had adopted its concluding observations. The concluding observations would then be widely disseminated to Parliament, NGOs and all interested sectors.

23. Ms. KARP noted that the delegation did not have specific information about the proportion of the ombudsman's work that concerned problems relating to children. She wondered whether the decision taken by the Government not to set up an institution specifically to examine complaints from children had not been based on an evaluation of the ombudsman's current workload. Regarding efforts to combat discrimination, she regretted not having more information on the use made by the Government of the Integration Committee's work. On another matter, she said the idea that children's views should be considered in the light of their ability to express themselves was extremely vague and could lead to abuse, especially as it appeared, from the information available, that a third of the children placed in institutions did not meet with social workers.

24. Concerning child-rearing methods, the fact that Denmark was one of the few countries to have prohibited corporal punishment in the family was commendable. However, in a society where corporal punishment was prohibited children themselves might be expected to be less violent, which did not seem to be the case. Had the Danish authorities assessed the situation after corporal punishment had been abolished and, if so, were they able to provide comments for countries wishing to introduce similar measures? The authorities lack of information on sexual violence in the home was a matter of concern. She believed, however, that recommendations had drawn up for sexual violence to be investigated at the regional level using a multidisciplinary approach, which was the advisable thing to do in a number of respects; she wondered whether the investigators had been given specific training in that area. Finally, she would like to know what procedures were followed when acts of violence were committed by teachers against their students.

25. Ms. EL GUINDI asked whether any studies had been carried out into the increased number of suicides and suicide attempts among young people and whether there was a system to monitor the adoption of foreign children in Denmark.

26. Ms. AL-THANI noted that new legislation had been introduced prohibiting the sale of alcohol to children below age 15, but said the minimum age should have been higher. She would also like to know how the campaigns to raise awareness of HIV/AIDS prevention were being conducted in practice.

27. Ms. OUEDRAOGO requested the results of the pilot scheme aimed at children involved in a conflict of custody or right of access, mentioned in paragraph 103 of Denmark's report, and those of the pilot scheme on mediation in cases relating to right of access, mentioned in paragraph 105 of the report. Paragraph 136 of the report stated that about 11,000 children had been on the waiting list for a place in public day care in January 1998. How did the Government plan to resolve that problem?

28. With regard to health, she requested information on the impact of the courses, mentioned in paragraph 182 of the report, which had been organized in Greenland for specialists and relatives of people in difficult situations, on prevention of suicide among young people. It would also be interesting to know whether children infected with HIV or suffering from AIDS were covered under social security. She welcomed the fact that refugee or asylum-seeking children received regular health checks, but to what extent did the results of such check-ups influence the decisions of the immigration services? Finally, it would be interesting to learn what the impact

had been of the informative campaign mentioned in paragraph 180 of the report, aimed at changing the eating habits of young people, particularly girls.

29. Ms. SARDENBERG expressed concern at the use of the term 'social maladjustment' in a bill amending the Criminal Code, as she believed that term was likely to bring about some form of discrimination. She requested information about how the Media Council for Children and Youth, which had replaced the State Film Censorship Office, operated. It would also be interesting to learn whether any surveys had been conducted to determine how many Danish tourists were involved in the sexual exploitation of children abroad, and whether any research had been carried out into sexual abuse in institutions. Denmark's initial report had contained some information concerning disabled children, while the second periodic report contained none at all. Had there been any developments in that field?

30. Ms. TIGERSTEDT-TAHTELA requested details on the situation of children of the Roma minority and on the measures taken to abolish the practice of female genital mutilation. In the context of adoption, she asked what was implied by the term "anonymous".

31. The CHAIRPERSON asked why the number of children aged between 7 and 11 years placed in care had increased by nearly 20 per cent between 1997 and 1999. He would also like to know whether a mechanism had been established to report and follow up cases of physical, psychological or sexual abuse of children, and whether doctors and social workers, in particular, were obliged to report such cases.

32. The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.

33. Mr. SKIBSTEDT (Denmark) said that, for questions relating to discrimination and ethnic minorities, the Committee should refer to Denmark's fifteenth periodic report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was submitted in January 2001.

34. Mr. MIKKELSEN (Denmark) said that genital mutilation was a criminal offence under the Danish Criminal Code, the Ministry of Health had organized a campaign to raise awareness among the communities affected by the practice.

35. Ms. NIELSEN (Denmark) said that the lawyer of an alleged sexual offender was permitted to attend the videotaping of the statement made by a child victim of abuse, in the course of an investigation. That measure had been taken to protect the rights of the defendant. It was up to each court to decide, on a case-by-case basis, whether the recording could replace the child's testimony during the trial. According to recent Supreme Court decisions the defendant had to be given the opportunity to witness the recording from the control room, or to view it. As a result of those decisions, a committee had been made responsible for examining all issues relating to sex offences or crimes committed against children, including the criminal procedure in all its forms, the training of police officers who took children's statements and the amendments to be made in the legislation. The committee, which consisted of nine experts (including three child specialists), was due to submit a report at the end of 2001.

36. Mr. THØGERSEN (Denmark) said that local authorities were legally obliged to offer parents and children counselling and information about custody and right of access in the event of a disagreement. Mediation services would systematically be offered in such a context from the end of summer 2001. The term "anonymous adoption" was used to imply that the mother did not know the identity of the people who would adopt her child, unlike when the child was adopted by a family member or friend.

37. Ms. CLAUSEN (Denmark) said that health checks given to refugee or asylum-seeking children did not usually influence the immigration services' decisions on whether to grant asylum or residence permits, although the results were sometimes used to argue that a case should be fast tracked for humanitarian reasons.

38. Ms. SVENDSEN (Denmark) said that a far-reaching interdisciplinary programme had been launched to train social workers. With regard to corporal punishment, studies showed that the practice had become far less widespread. The Ministry of Social Affairs had conducted some significant research into various aspects of sexual violence and was endeavouring to develop preventive measures. The Ministry had also initiated programmes to help the parents of disabled children and was carrying out studies into problems arising in that area. The programme designed to evaluate legislation relating to children also included measures for disabled children. With regard to the increased number of children placed in care, her delegation was unable to provide an explanation, but the Government was monitoring closely all statistics available on the subject. Finally, the Social Service Act required social workers, among others, to report to municipal authorities all cases of children with special needs, which were brought to their attention in the course of their duties, in particular cases of alcohol abuse by pregnant women.

39. Ms. Marianne LEHMANN (Denmark) said that there were very few reports of pupils being abused by their teachers; however, violence against teachers was relatively common. Any act of brutality against a teacher should obviously be reported to the police and, if necessary, the case should be brought before the courts. The Government was aware of the problem of alcohol consumption by minors but had not yet taken any measures in that regard. However, a law had been adopted in December 2000 to protect children from the effects of passive smoking. As for Roma children, who now lived in settled communities, the only problem seemed to be poor attendance at school and measures had been taken to raise parents' awareness of the importance of regular schooling for their children.

40. Ms. Kathrine LEHMAN (Denmark) said that the Media Council for Children and Youth had been created pursuant to the Film Act, to protect children by classifying and approving children's films and video games.

41. The CHAIRPERSON noted that questions had been asked about suicide, the minimum legal age for purchasing alcoholic beverages, HIV/AIDS, sexual abuse in children's institutions and violence at school.

42. Ms. CHUTIKUL asked whether Denmark had sought to implement legislation establishing extraterritorial jurisdiction for the prosecution of persons suspected of committing acts of paedophilia abroad and whether it had signed bilateral agreements in that area. She

would also appreciate details on the Government's position concerning paedophiles' associations and the measures taken to combat trafficking in children.

43. Mr. CITARELLA asked whether the report covered all of Denmark, including Greenland and the Faeroe Islands, and whether all three places had the same children's protection mechanisms. He would like to know whether there were children's judges or any other authority empowered to take decisions concerning children whose parents no longer had custody of them or failed to agree. What measures had been taken to ensure that young prisoners were always held separately from adults, when not held in separate establishments? Finally, he asked which authority was competent to order an administrative custodial measure and whether limits had been set for the minimum age of the children concerned and the maximum duration of placement in a custodial setting.

44. Mr. AL-SHEDDI requested information on children's conditions of detention, including solitary confinement measures.

45. Ms. KARP asked whether decisions to place juvenile offenders in adult prisons or, at times, in solitary confinement- which should be an exceptional one - had not become standard practice for reasons of convenience or for financial reasons. She asked to what extent the best interests of the child were taken into consideration in that type of decision. She would also like to know how the authorities intended to give effect to article 20 of the Convention, by placing children belonging to minority groups but deprived of a family environment in structures that would permit them to continue to use their mother tongue.

46. Ms. OUEDRAOGO requested further details concerning children used in pornography networks. She asked whether Denmark had concluded agreements with other countries to dismantle such networks. Would the new penalties provided for in the forthcoming bill to amend the Penal Code and combat child prostitution more effectively apply to minors, and how were minors reintegrated into society?

47. Ms. SARDENBERG asked whether there was a follow-up mechanism for foreign children adopted in Denmark and what the reason was for the recent increase in the number of children who worked.

48. Ms. SVENDSEN (Denmark) said that, although the number of suicides had decreased in recent years, the authorities took the problem very seriously. A telephone hotline and a Web site had been established for children in distress, and research was being conducted into the causes of child suicide. Research projects had also begun on the problem of alcoholism and smoking among children and on sexual abuse in children's institutions. The decision to place a child in alternative care was always taken by a committee of experts and was reviewed every two years. The relevant authorities were aware of the problem of alternative care for children belonging to ethnic minorities and endeavoured to find solutions, despite the lack of families and institutions able to offer such children the appropriate linguistic environment.

49. Mr. THØGERSEN (Denmark) said that foreign children adopted in Denmark were regarded as the biological children of their adoptive families, hence there were no particular follow-up mechanisms for them. However, the social services monitored adopted children

especially closely, as such children might require specific care. In Denmark, guardianship or custody of children under 18 was generally assigned to a single person. In the case of the death of a person holding custody of a child, the local authorities were responsible for finding the best possible solution for the child. The joint custody system rarely raised problems.

50. Ms. MOLLER (Denmark) noted that children under 13 had been prohibited by law from working since 1996 and that, for that reason, the number of working children over 13 had probably increased. School children were not allowed to work over 12 hours per week. Most of them sold newspapers or worked in shops during their free time. They generally found the regulations too strict as they would probably like to work more.

51. Mr. MIKKELSEN (Denmark) noted that Denmark had in 2000 signed the Optional Protocol on the sale of children, child prostitution and child pornography. The authorities, who were currently considering the few legislative amendments needed for ratifying the Protocol, intended to submit a bill to the following session of Parliament. The National Commissioner of Police, who closely monitored the sex trafficking networks, would shortly be submitting a number of recommendations to the Ministry of Justice. No children had been the victims of such practices in Denmark. Following the ratification of the Convention, new rules governing placement of young offenders had been introduced and units specialized in treatment of young prisoners had been established in two prisons. He noted in that connection that there were very few young prisoners; in 1999 there had been only 12 of them, aged between 15 and 17. Minors awaiting trial were placed in welfare institutions rather than prisons. Only those who had committed very serious crimes were sentenced to prison terms. Under article 78 of the new Law on the Enforcement of Criminal Sentences, which was expected to be adopted in July 2001, convicted minors would be placed in institutions rather than prisons unless the crime was serious enough to warrant incarceration. On that basis, the number of places in institutions had been increased. Up to January 1999, minors too dangerous to be placed in institutions had been held in a separate unit in a specialized prison. It was true that, since the closing of that unit, of which little use had been made and which had worsened the sense of isolation of young offenders in that category, the youth in question - who had never numbered more than two - had been held together with convicted adults. However, the principle of the best interests of the child had always been respected and full consideration given to the idea of reintegrating the young offenders into society. In Denmark, financial reasons never entered into a decision to imprison a minor. New legislation adopted in July 2000 limited solitary confinement for minors to cases of absolute necessity. Only one case of placement in solitary confinement had been recorded in 2000 but the Government did not believe it would be wise to prohibit the practice completely, as it might be justified by exceptional circumstances. Replying to another question, he said that the Copenhagen police were continuing their investigation into paedophile networks. Under an extraterritorial jurisdiction regime, the Danish courts could prosecute Danes for sexual abuse of children abroad, but his delegation had no statistics in that connection. The double incrimination principle was not an obstacle to proceedings being brought against a suspect in Denmark.

52. Ms. SARDENBERG thanked the delegation of Denmark for its very detailed replies, which reflected substantial progress made by the country in the field of children's rights, in accordance with the Committee's recommendations on considering Denmark's initial report. She recommended that the authorities of the State party should work to resolve inequalities between children living in Denmark and children living in Greenland and the Faeroe Islands, expand the

mandate of the National Council for Children to authorize it to consider individual complaints lodged by children and continue its training and awareness-raising activities in the field of children's rights. The problems faced by children belonging to ethnic minorities should be given more vigorous treatment and action to combat sexual exploitation of children should be stepped up.

53. Mr. SKIBSTED (Denmark) thanked the members of the Committee for the interest they had shown in the situation of children in Denmark and said that the Danish authorities would take their recommendations fully into account in designing their future policies on children.

54. The members of the delegation of Denmark withdrew.

The meeting rose at 6.10 p.m.